

Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

JANUARY 28, 2019

9:30

Calendar No. 18-290:

9219 Clifton Blvd.

Ward 15

Matt Zone

14 Notices

9219 Clifton LLC., owner, proposes to change use of existing two family residence to a three family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application the following sections of the Cleveland Codified Ordinances:

1. Section 337.03(a) which states that a three family dwelling is not permitted in a Two-Family District but is first permitted in a Multi Family District.
2. Section 349.04 which states that one additional parking space is required
3. Section 355.04 (b) which states that in the "B" Area district a minimum lot area of 2,400 square feet per dwelling unit is required; in this case a 7,200 square foot lot is required and a 6,250 square foot lot is proposed. (Filed December 28, 2018)

9:30

Calendar No. 19-001:

1963 W. 47 Street

Ward 3

Kerry McCormack

12 Notices

Open Holdings LLC., owner, proposes to construct an addition and a detached garage to existing residence on a 3,696 lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that an accessory building shall be located a minimum of 18" from all property lines. No building on property easement.
2. Section 358.04(b) which states that a fence running generally parallel to and adjacent to a building on the same property shall be no closer than 3 feet to the closest wall of such building. A 6' high fence is proposed closer than 3 feet to a building wall.
3. Section 359.01 which states that expansion and/or exterior alterations to existing nonconforming building requires the Board of zoning appeals approval. Existing nonconforming items: By reference, per section 357.09(b)(2)C, no interior side yard shall be less than three feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. (Filed January 2, 2019)

9:30

Calendar No. 19-002:

5730 Flowerdale Ave.

Ward 13

Kevin J. Kelley

14 Notices

Henry Norena, owner, proposes to erect a 22' x 45' (990 square feet) garage addition to an existing single family residence located on a 5,700 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application the following sections of the Cleveland Codified Ordinances:

1. Section 357.05 which states that on the rear third of a corner lot in a Residence District where the rear lot line abuts a Residence District, the building line shall be not less than ten (10) feet back from the side street line.
2. Section 357.09(b)(2)(B) in a Two-Family Residential district no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth $\frac{1}{4}$ the height of the main building on the premises. Building height is not provided. The proposed interior side yard is 4'-0"
3. Section 357.08(b)(1) which states that the depth of required rear yard shall be not less than 20', but in no case less than the height of the main building. Building height is not provided. A 2'0" rear yard is proposed. (Filed January 3, 2019)

9:30

Calendar No. 19-003:

3069 W. 25 Street

Ward 14

Jasmine Santana

17 Notices

3069 Properties LLC., owner, proposes to change use from store to tire shop in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 343.01 of the Cleveland Codified Ordinances which states that Tire Shop is not permitted in a Local Retail Business District but is first permitted in General Retail Business District (per Section 343.11). Outside storage is not permitted; first permitted in Semi-Industry per Section 345.03(c)(33) if screened by a minimum 7' high solid fence. Tires are shelved behind the building. (Filed January 4, 2019)

9:30

Calendar No. 19-004:

527 East 140 Street

Ward 8

Michael D. Polensek

47 Notices

Krew Time LLC., owner, proposes to establish use as party/event center with live entertainment in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(2)(F) which states that a Party/Event Center with live entertainment is not permitted in a Local Retail Business District but first permitted in General Retail Business District per Section 343.11 (b)(2)(L), and even when in that district must be at least 500 feet away from a Residential District; proposed use abuts a residence district to the rear.
2. Section 349.04(e) which states that a parking area in the amount of three times the gross floor area is required: parking area provided is less than one times the gross floor area.

3. Sections 352.08 through 352.12 which state that a ten foot wide landscaped transition strip providing 75% year round opacity is required where use abuts the residence district, and a landscaping plan is required: No landscaping proposed. (Filed January 4, 2019)

POSTPONED FROM DECEMBER 17, 2018

9:30

Calendar No. 18-267:

2291 W. 38 St.

Ward 3

Kerry McCormack

28 Notices

B.R. Knez proposes to erect a 25' x36' two story frame single family residence with a detached garage on a Cuyahoga County Land Bank Lot located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application the following sections of the Cleveland Codified Ordinances:

1. Section 337.239(a) which states that an accessory building shall not be less 10' from main building on adjacent lot; proposing 4.6'. This section also states that an accessory garage shall be on the rear half of lot or 34' back from the front property line; proposing 26'
2. Section 355.04(b) which states that the Maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 1700 square feet; proposing 1772.
3. Section 357.05(b)(2) which states that the side street yard for rear of corner lot has established building line of 6'; proposing 5'.
4. Section 357.06(a) which states that the required Front Yard Setback is 12.75', proposing 12'.
5. Section 357.08(b)(1) which states that the required Rear yard shall not be less than 27.10'; proposing 3'.
6. Section 357.09(b)(2) (A) which states that a dwelling shall not be less than 10' from a main dwelling on adjacent lot; proposing 4.6'.
7. Section 357.13(c) which states that an air conditioning condenser is not a permitted rear yard encroachment.
8. Section 357.13(b)(4) which states that Open front porch shall not be less than 10' from property line; proposing 6'.
9. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed November 26, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW FOR TIME FOR FURTHER DESIGN REVIEW.*

POSTPONED FROM JANUARY 14, 2019

9:30

Calendar No. 18-283:

1575 Merwin Avenue

Ward 3

Kerry McCormack

10 Notices

Target Industries Inc., owner, proposes to re-establish use as a lounge with entertainment in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. 349.04(e) which states that one for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater; is required. No accessory off-street parking is provided.
2. Section 347.12(a)(2) which states that no such use shall be established within five hundred (500) feet of another such use. In this case the proposed use is within 500 feet of the Hustler Club at 1101 Center Street.
3. Section 359.02 which states that a non-conforming use of a building or premises which has been discontinued shall not hereafter be returned to such non-conforming use. (Filed December 11, 2018) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR A MEETING BETWEEN HIM AND THE APPELLANT.*

POSTPONED FROM JANUARY 14, 2019

9:30

Calendar No. 18-239:

3547 E. 49 St.

Ward 12

Anthony Brancatelli

6 Notices

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.02 which states that the use of the property in Residence Industry zoning district for second hand truck sales lot is not permitted but is first permitted in Semi- Industry zoning district per 345.03(c)(1)
2. Section 345.02(e) which states that adequate off street parking of trucks in is required to be screened from the streets or not nearer than fifty (50) feet to streets.
3. Section 345.02(f) which states that in a Residence Industry District, entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, than from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area. No such designation has been made by the City Planning Commission, BZA review and approval as noted is required.
4. Section 347.11(b) which states that all open areas of permanent use open sales lots that are intended either for display or for use as vehicular areas, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaces, impervious all weather material approval by the Commissioner of Building and Housing. Gravel lot is proposed.
5. Section 347.11(c) which states that all permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to

drain across public sidewalks or onto abutting lots. No grading or drainage plan submitted, no drains proposed on site plan.

6. Section 349.07(a) which states that accessory off street parking areas are required to be paved and drained and a gravel parking area proposed. No parking space striping shown on plan,
7. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that adjoins a building containing dwelling units, such parking spaces shall be screened from a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year round. No screening from adjoining lot containing dwelling unit(s) is proposed.
8. Section 349.05(a) which states that no parking space shall be located within ten (10) feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure. (Filed October 19, 2018-Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR MORE TIME TO UPDATE PLANS. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO UPDATE THE SITE PLAN TO SHOW SCREENING, STRIPING, PAVING AND LOT CONSOLIDATION; AND TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING.*